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| 10/606,264 | 06/26/2003 | Albert H. Perdon | SEDN/PRED011 | 4515 |

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| EXAMINER |
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SWERDLOW, DANIEL

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| ART UNIT | PAPER NUMBER |
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2615

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| MAIL DATE | DELIVERY MODE |
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05/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
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| <p align="center">Office Action Summary</p> | Application No. 10/606,264 | Applicant(s) PERDON, ALBERT H. | |
| | Examiner Daniel Swerdlow | Art Unit 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1, 7-44 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 through 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yifrach et al. (US Patent 5,463,599).

3. Regarding Claim 2, Yifrach discloses a radio receiver with a buffer (Fig. 1) comprising: an antenna (10) and RF circuit (12) that receives RF signals that correspond to the broadcast data signal claimed and include audio signals that correspond to the encoded audio signal claimed (column 2, line 66-column 3, line 2); a demodulator (13) that extracts (i.e., decodes) the audio signals that correspond to the encoded audio signal claimed from the RF signals that correspond to the broadcast data signal claimed (column 3, lines 11-14); a cyclic storage device (22) that stores the audio signals outputted from the demodulator (13) as a sequence of overlapping 60-second segments (column 3, lines 14-16); a logic circuit (24) that responds to selections of a JB/F button (25) (column 3, lines 28-52) and a Skip switch (31) (column 4, lines 56-62) (i.e., determines whether an audio manipulation signal is received) and replays (i.e., identifies, reads, manipulates and outputs) the previously broadcast 60 seconds of information (i.e., at least one segment of the audio signal) in response to depression of the JB/F button (i.e., receipt of the audio manipulation signal) (column 3, line 66-column 4, line 9).

Art Unit: 2615

4. Regarding Claim 3, Yifrach further discloses a digitizer (21) that converts the audio signals to digital form (i.e., encodes) for storage (column 3, lines 11-16).
5. Regarding Claim 4, Yifrich further discloses outputting audio in a delayed-time (i.e., linear) manner (column 4, lines 48-53).
6. Regarding Claim 5, Yifrich further discloses outputting audio in an increasing delay distorted (i.e., non-linear) manner (column 4, lines 37-43).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yifrich in view of Wolff (US Patent 5,946,050).
9. Regarding Claim 6, as shown above apropos of Claim 2, Yifrich anticipates all elements except the audio manipulation signal being representative of a request to identify a type of meta-data in the audio signal. Wolff discloses a selective recording system (Fig. 5) controls audio buffering based on keywords in the audio stream (i.e., meta-data) column 4, lines 25-46). Wolff further discloses that such an arrangement provides efficient use of storage by storing and reproducing only content of known interest (column 2, lines 29-43). It would have been obvious to one skilled in the art at the time of the invention to apply meta-data based buffering control as

Art Unit: 2615

taught by Wolff to the buffering radio receiver taught by Yifrich for the purpose of realizing the aforesaid advantages.

10. Regarding Claim 45, Wolff further discloses monitoring for a set of keywords that correspond to entries within a list of audio segments (column 4, lines 30-34).

Response to Arguments

11. Applicant's arguments filed 16 March 2007 have been fully considered but they are not persuasive.

12. In the last paragraph on page 11 and the first four paragraphs on page 8 of the response filed on 16 March 2007, applicant alleges with respect to Claims 2 through 5 that US Patent 5,463,599 to Yifrach et al. fails to disclose the stored audio signal having different segments, as claimed in Claim 2. Examiner respectfully disagrees. As shown in the prior art rejection above, Yifrach discloses maintaining a circular buffer containing the last, for example, 60 seconds of decoded audio and the transfer of the contents of the buffer to a second memory on command. As such, Yifrach discloses storing the audio as a constant sequence of overlapping 60-second segments. Applicant's remarks refer to "segments that can be separately identified, read or outputted". However, there is no such limitation recited in the claims.

13. In the fourth complete paragraph on page 13 through the first complete paragraph on page 14, applicant alleges with respect to Claims 6 and 45 that there is no motivation to combine the teachings of Yifrach and US Patent 5,946,050 to Wolff because they address different problems. Examiner respectfully disagrees. In addition to repeat and delay functions, Yifrach discloses a so-called freeze function (column 5, lines 54-58). As such, the automatic

Art Unit: 2615

identification of desired content taught by Wolff would be recognized by one skilled in the art as a desirable feature for the receiver taught by Yifrach.

14. In the second and third complete paragraphs on page 14, applicant alleges that the references fail to teach automatically identifying any segment of the stored audio signal in response to a request to identify a type of meta-data in the audio signal and reading the segment of the stored signal, as claimed in Claim 6. Examiner respectfully disagrees. The stored keywords in Wolff (column 4, lines 3-8) constitute a request to identify a type of meta-data that automatically identifies a segment of audio data for transfer (i.e., reading) from the circular buffer to the permanent storage.

Conclusion

15. Applicant's amendment necessitated the any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Swerdlow
Primary Examiner
Art Unit 2615

ds

3 May 2007